UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1506
16 July 1996

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Fifty-seventh session

SUMMARY RECORD OF THE 1506th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 July 1996, at 10 a.m.

Chairman: Mr. AGUILAR URBINA

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GE.96-17215 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Brazil (CCPR/C/81/Add.6; HRI/Corr.1/Add.53)

1. At the invitation of the Chairman, Mr. Vergne Saboia, Mr. Gregori, Mr. Espinola Salgado, Ms. Pinheiro Penna, Mr. Lafer and Mr. Sa Ricarte took places at the Committee table.

2. Mr. VERGNE SABOIA said that Brazil's accession to the Covenant in 1992 should be viewed in the context of the restoration of democracy, which had taken place in 1985. The Brazilian authorities, particularly at the federal level, were increasingly sensitive to demands for more effective respect for human rights and were seeking to improve the human rights situation in cooperation with the organs of civil society. The report under consideration (CCPR/C/81/Add.6) was an example of that cooperation; it had been prepared by the Ministry of External Relations on the basis of the work of the Centre for Studies on Violence, an independent research institution at the University of São Paulo.

3. Brazil's commitment to the promotion and protection of human rights had its basis in the 1988 Constitution and was supported by the prevalence of the rule of law, as guaranteed by an independent judiciary, and by the exercise of freedom of opinion and expression. The human rights provisions of the Constitution, which included the essential international norms, were among those which could not be subject to amendments aiming at their abolition, and constitutional and other legal remedies were available to protect those rights. President Cardoso, who, as an opponent of the military regime, had been forced to live abroad, understood the value of human rights for any society. In September 1995, he had announced the preparation of a National Human Rights Plan and had committed his entire administration to the cause of human rights. In a spirit of transparency and cooperation, Brazil had welcomed the visits of Mr. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, Ms. Coomaraswamy, Special Rapporteur on violence against women, Mr. Sané, Secretary-General of Amnesty International, and a mission of the Inter-American Commission on Human Rights; it was also engaged in cooperation with other Governments, multilateral agencies and non-governmental organizations (NGOs).

4. However, significant problems continued to affect the human rights situation and were difficult to eradicate because they were associated with unfair socio-economic structures, misery and ignorance and with historical and cultural attitudes which were difficult to change. Since the completion of the report, there had been a number of developments, both negative and positive; the former included incidents of violence and killings and the difficulties encountered in ensuring punishment of criminals in accordance with the law, while the latter included a new decree on demarcation of indigenous lands, the carrying out of mobilization campaigns and the creation or restructuring of a number of national human rights programmes and bodies.

5. With regard to article 2 of the Covenant, a number of initiatives were being implemented to combat impunity, including a draft constitutional amendment transferring competence in cases of human rights violations from the State to the federal level, a bill of law transferring competence from military to civilian justice in cases of members of the military police accused of human rights violations, the establishment of an Office of the Public Defender and a number of measures planned by the National Human Rights Programme with a view to improving the functioning of the judiciary. There had also been significant progress in bringing criminals to trial and in following appropriate legal procedures for the investigation and prosecution of offenders.

6. With regard to article 3, the Government had announced its intention to submit to the Congress a bill addressing the issue of violence against women, including the reclassification of rape as a crime against the human person and, as such, subject to more severe penalties than in the past. The Government also planned to implement fully the Programme of Integral Assistance to the Health of Women, which emphasized reproductive rights. In accordance with the recommendations of the Cairo and Beijing Conferences, the Government had also submitted a bill guaranteeing the inclusion of reproductive health in all State-provided health services. The National Congress had approved a law stipulating that at least 20 per cent of the candidates for each party in elections must be women. A law had been adopted to prohibit the requirement of pregnancy and sterilization certificates and other discriminatory practices for purposes of employment. A Working Group for the Elimination of Discrimination in Employment and Occupation had been established to define programmes of action for eliminating discrimination in the labour market, draw up a timetable for their implementation, suggest organs to implement them and propose the necessary legislation. A bill currently under consideration in the Congress would grant tax benefits to companies that promoted the hiring of women. Measures to benefit women contained in the National Human Rights Plan included the enhancement of the role of the National Council of Women's Rights in public policy for women's rights, a national programme to combat violence against women, a shelter programme for victims of violence, mechanisms to gather and publicize information on women and violence, and the inclusion of the gender perspective in education. At the international level, the Congress had approved the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and had also approved a message from the President of the Republic lifting the reservations to articles of the Convention on the Elimination of All Forms of Discrimination against Women.

7. With regard to article 6, the Government had taken steps to improve protection of the right to life and to compensate the families of victims. A new law recognized the deaths of those who had disappeared in connection with political activities between 1961 and 1979 and provided for compensation on the basis of the victim's life expectancy. To combat violence in rural areas, the Government had speeded up agrarian reform, a fundamental step towards ending land disputes.

8. With regard to article 7, a bill criminalizing torture was under consideration by the Congress and a draft bill had been submitted to provide compensation to the family of José Ivanildo de Souza, a victim of torture; the policemen involved in that case had been dismissed.

9. With regard to article 8, the Government acknowledged the existence of forced labour and child labour in Brazil, although those practices were forbidden by law. The problem was linked to the economic stagnation and poverty in some areas, whose inhabitants were an easy prey for offers of employment in other, often remote, regions where labour regulations were overlooked and labour inspection insufficient. To control those problems, a difficult task owing to budgetary constraints and the vastness of the territory, the Government had developed a strategy for increased monitoring of compliance with labour standards and punishment of the guilty, but also for providing alternative work for the victims in partnership with civil society. The National Human Rights Programme was taking measures to combat forced labour and child labour and envisaged the ratification by Brazil of ILO Convention 138 on the minimum age for employment.

10. Government action in that area was coordinated by the Programme for the Eradication of Forced Labour and the Executive Group for the Repression of Forced Labour. The latter group was responsible for a comprehensive programme to combat forced labour and for cooperation with ILO and the State and federal prosecutors to enforce the relevant legislation. Related measures included the equipping of inspection organs with computer facilities and transport, the establishment of the Special Group for Mobile Inspection, and increased participation of other institutions and civil society in the battle against those practices. The Secretariat for Labour Inspection of the Ministry of Labour was an active participant in the National Forum for the Prevention and Eradication of Child Labour, which also included ILO and UNICEF. In 1995, the Forum had selected as a priority the charcoal sites in Mato Grosso do Sul, where 2,500 children were working in hazardous and unhealthy conditions.

11. The Brazilian authorities had constantly reiterated that the problem of child labour had its roots in the poverty that forced all members of a family, including the children, to work in order to survive. The Government had launched projects such as "Brazil Child Citizen" and "School Fellowship" as a means to the definitive eradication of child labour in Brazil. The latter project was currently assisting over 28,000 children by providing US$ 100 per month to needy families with children between the ages of 7 and 14 in order to encourage parents to keep their children in school. That project, which had been initiated in the Federal District, was about to be implemented by other State and local governments.

12. Brazil had participated in the ILO programme for the eradication of child labour since 1992. The trade unions had also developed projects to increase the awareness of workers, particularly minors, and of the public in general, with regard to labour legislation. The Government was working with businesses to prepare a black list of companies which made use of child labour in the alcohol industry, and measures were being implemented in São Paulo to eliminate child labour in alcohol production and citrus fruit growing.

Volkswagen was adopting similar measures. The Government planned in the near future to announce a ban on the granting of public credit to companies that employed child labour.

13. With regard to articles 9, 10 and 11, the Parliamentary Inquiry Commission, created to investigate the penitentiary system, had set up a National Penitentiary Fund and redefined policy in that area. The National Human Rights Programme was considering several activities, including reactivation of the penal computerization system with a view to speeding up trials, support of emergency programmes to correct irregularities in the prison system and improve conditions of detention, implementation of the provisions of the Penal Executions Law on open and semi-open prison regimes, and construction of new prisons.

14. In regard to article 19, he emphasized that the country enjoyed an exceptional degree of freedom of expression. In the few cases where threats had been made against journalists in connection with their activities, police inquiries had been opened.

15. In regard to article 24, he said that the Brazilian Government was increasingly active in combating the sexual exploitation of children and adolescents. A national campaign had been launched by the President in October 1995, aimed at increasing public awareness of the problem. The Federal Ministry of Justice was encouraging projects in the States for the elimination of child prostitution and giving financial aid to those State governments which developed such projects. In 1993, the number of children and adolescents involved in prostitution had been estimated to be about 500,000. The important measures in regard to children envisaged by the National Human Rights Programme included support for the activities of the National Council for the Rights of the Child and the Adolescent, the encouragement of family training programmes to help families solve their conflicts in a non-violent way and to fulfil their responsibilities for the care and protection of children, changes in the penal legislation to curb domestic violence against children and adolescents, changes aimed at eliminating child labour and punishing its exploitation, continued support for the national campaign to combat the sexual exploitation of children and adolescents, changes in the legislation to provide for the more efficient criminalization of such exploitation with a view to penalizing both exploiter and customer, establishment in the States and municipalities of Councils for the Rights of Children and Adolescents, as well as Guardianship Councils and Funds for the Rights of Children and Adolescents, and support for the implementation of the legislative decree promulgating the 1993 Hague Convention on International Cooperation and Protection of Children and Adolescents regarding International Adoption through the appointment in Brazil of a central authority for international adoptions. Further measures included the promotion, in partnership with State and local governments and with NGOs, of educational campaigns concerning the risks faced by children and teenagers, such as domestic and sexual violence, prostitution, labour exploitation and drug abuse, with a view to creating and maintaining a favourable cultural environment for the rights of children and adolescents, and the establishment of national and State information and monitoring systems regarding children and adolescents, focusing on the creation and functioning of the various Councils, on the localization and identification of missing children and

adolescents, on the details of cases of violation of the rights of children and adolescents, on child prostitution and on violent deaths of children and adolescents. In the longer run, the Programme envisaged the reform of institutions for juvenile offenders and the establishment of court divisions, prosecution offices and police stations specializing in offences involving minors, as envisaged in the Statute for the Child and Adolescent.

16. In regard to article 26, he stressed the priority attached by the Brazilian Government to improving the status of the black and indigenous communities, as well as of people of mixed parentage. Initiatives by the Government were designed to reduce social inequalities and ensure the implementation of the anti-discrimination provisions of the 1988 Federal Constitution and other relevant legal instruments. An inter-ministerial working group had been set up to consider and propose public policies for the advancement of the black population. The issues currently under discussion included possible affirmative action policies as well as special measures in areas such as education, health and labour. The group would also devote attention to the image of people of African descent in the media and in advertising, as well as the inclusion of colour and race criteria in official data and personal documentation. The Federal Government was also setting up a tripartite working group on the elimination of discrimination in employment with a view to enforcing the observance of ILO Convention No. 111, in partnership with the International Labour Organization. The persistence of racial discrimination in the country was fully recognized by the President himself. Nevertheless, though Brazil might not offer a perfect example of ethnic and racial integration, its situation was not unduly marked by racial violence or segregation. The Amerindian, European and African races were profoundly mixed in Brazil and such racial discrimination as existed occurred mainly on a social and economic basis.

17. With regard to article 27, he emphasized that the Government remained firmly committed to demarcating indigenous lands. More than one tenth of Brazilian territory, some 900,000 km^2, was permanently set aside for the indigenous population, numbering some 330,000 persons. The endeavour to demarcate those lands had been untiring, but the administrative procedures for demarcation had been questioned before the Supreme Court. In order to bring them onto sound legal and constitutional ground, certain modifications had been made in January 1996. The Government's intention in making the changes was to expedite the demarcation process by setting specific deadlines and to strengthen the legal basis for attaining the objective of regularizing all indigenous lands in Brazil. The decree in question provided for appeal from demarcation decisions in cases where the regularization process was not yet completed. Forty-five lands currently the object of appeal were under consideration by the Minister of Justice. The demarcation process in lands subject to the provisions of the decree whose limits had not been the object of appeal had been resumed immediately. Currently, 223 of the 554 indigenous lands in Brazil, amounting to 457,000 km^2, had already had their demarcation procedures concluded. Promotion of the human rights of the indigenous population, however, went beyond demarcation of their lands. The National Human Rights Programme contemplated specific activities on their behalf, particularly with regard to health, education and, in view of the fact that lack of information was one of the causes of violence against indigenous people, the dissemination of information on their rights in the media and the

schools. The goals of the National Programme included ratification of ILO Convention No. 169. The problem of the invasion of indigenous lands by garimpeiros (illegal prospectors) continued to be one of the main challenges faced by the Brazilian authorities. The Amazon region of Brazil was populated by some 17 million people, of whom 300,000 were garimpeiros - mostly poor people who had emigrated from other poor parts of Brazil. They must be offered economic alternatives. That did not mean, however, that the authorities had slowed their efforts to keep them away from those lands. The National Indian Foundation spent about one third of its budget on police activities in the indigenous lands in order to expel invaders. Since some garimpeiros took refuge in the jungle of neighbouring Venezuela, the two countries had decided to act together to drive them out. A bilateral meeting had been held in January 1996 to draft a strategy for combining efforts by their military and police forces to survey the border region. Cooperation with the Venezuelan authorities had already been intense.

18. In regard to the Yanomami population, he noted that, since 1991, the Yanomami had possessed their own health district, comprising 23 health assistance units stationed throughout their land. The units were supported by the National Indian Foundation, in collaboration with five NGOs. There had already been a significant decrease in mortality among the Yanomami, from over 200 deaths in 1992 to 131 in 1995, according to preliminary estimates.

19. The CHAIRMAN thanked the head of the delegation for his very full introduction of Brazil's initial report and the additional information provided. He invited the delegation to respond to the questions in part I of the list of issues, as revised at the 1502nd meeting (CCPR/C/Q/BRA/3).

20. Mr. VERGNE SABOIA (Brazil) said, in response to question (a), that the primary competence of the States in regard to law enforcement and public security policies had not prevented the Federal Government from proposing alternative action and promoting coordination among the different agencies responsible for the maintenance of public order. A Council for Public Security had been established for each region of the country, aimed at bringing together representatives of the Minister of Justice and the State Secretaries for Public Security and providing an opportunity for the exchange of information and the formulation of policies for crime prevention and law enforcement. The Federal Government also promoted cooperation between the federal and State police. In some instances, the federal police had conducted parallel investigations of cases involving violations of human rights in order to compensate for deficiencies in State police inquiries. The creation of a Human Rights Division within the federal police had made it possible to guarantee the security of witnesses in cases where the State police were unable to do so.

21. That increased cooperation was not, of course, enough in itself to guarantee an acceptable degree of observance by the States of federal obligations under the Covenant. To achieve that end, the National Human Rights Programme had been launched in May 1996. Action was needed to end the impunity that resulted from excessively slow judicial proceedings, caused in many cases by the inability of States to conduct efficient police investigations. The measures taken included the attribution to the federal judiciary of competence to judge crimes considered, because of their gravity

or because of delays at the State level in processing them, to require urgent action. The so-called federalization of crimes against human rights would make up for deficiencies at the State level, resulting from a lack of material and physical resources, and possibly, from local political influence impeding the adequate enforcement of legal guarantees and due process of law.

22. Another positive measure on behalf of the observance of the Covenant by the States was the proposed strengthening of the Council for the Defence of Human Rights. The reform of the Council would seek to ensure broader participation by members and organizations of the civil society. The Council had already expanded its activities in following up violations of human rights in many States, mainly through local missions on the spot. The National Human Rights Programme also planned to seek reinforcement of the role of the Federal Public Prosecutor's Office as a federal organ competent to protect human rights. According to the plan, the Federal Office would be able to exercise federal competence in both civil and criminal cases where human rights problems were believed to be involved. The proposed reform would have to be approved by the National Congress and, in one instance, a constitutional amendment would be required. Other measures with a bearing on the implementation of Brazil's obligations under the Covenant throughout its territory included the establishment of a Commission on Human Rights by the Chamber of Deputies. A similar body was about to be established by the Senate. The Commissions would have no power to intervene directly, but would be able to draw greater attention to human rights matters, which should reinforce the willingness of State authorities to respect Brazil's international commitments.

23. In response to question (b), he noted that the independence and impartiality of the judiciary was protected by the Federal Constitution and ensured in practice by appropriate government measures. The problems the judiciary faced were due to the fact that more cases were submitted to it than it could handle with its material and human resources. There was general awareness of the need to increase its efficiency.

24. He had replied in his introductory remarks to the matters raised in question (c).

25. With regard to question (d), Brazil acknowledged that the incidence of violence had risen to an unacceptable level, resulting in frequent violations of the right to life. It was the Government's goal that the authorities at all levels of power should join together to promote the right to life and to security of person. Crimes against human rights were now federal crimes, and the Council for the Defence of the Rights of the Human Person had been strengthened. Various measures under consideration were designed to restrict the possession, carrying and use of weapons and halt the illegal use of arms and munitions; to improve the recruitment and training of police and provide human rights training in police academies; to establish a network of travelling judges, public prosecutors and defence counsels, who could move into areas of special need, as well as a system of on-duty judges, public prosecutors and defence counsels; and, finally to transfer competence for the prosecution of civil offences committed by military police to the civil courts.

26. Violence in Brazil had its roots in social problems, and particularly in poverty. The Government was focusing attention on the development of an integral long-term strategy for economic and social reform. By way of example, the agrarian reform programme had been designed to change the unjust ownership pattern by providing land settlement opportunities for landless peasants and families. In 1995, 40,000 families had been settled, and it was expected that the same would be done for 60,000 more in 1996.

27. He had replied in his introductory remarks to the concerns raised in question (e).

28. With regard to question (f), he said that the bill which would make torture a specific crime under Brazilian law, complying with both the Covenant and the Convention against Torture, help to ensure that those responsible for such acts were punished. The Brazilian Government had undertaken other measures for the protection of detainees against torture and abuse by members of the police, as testified by a lower incidence in the number of reported cases. Unfortunately, no broad-based statistical research had been carried out which could provide figures demonstrating that the incidence of torture had dropped. In the previous year and a half, however, no complaints had been lodged against the federal police. The only known incident was the one he had mentioned in his introduction.

29. The Government had reinforced measures to provide medical examinations both before and after detention. It had established in São Paolo, the post of police ombudsman, whose role was to receive reports of abuse and torture. A case that had occurred in the State of Ceará in 1993 should serve as an example of the nature of the measures currently taken in Brazil to combat torture: three policemen had been seen engaged in the act of torturing a detainee; the competent State authorities had called in medical experts to examine the victim, dismissed the head of the unit concerned, conducted a criminal investigation, and arrested and prosecuted the policemen.

30. With regard to question (g), in 1990, 25 per cent of Brazilian children and adolescents had been living in extreme poverty, i.e. their families spent their entire monthly income satisfying the most basic nutritional requirements. Fifty-four per cent of children in rural areas were living in those conditions, and 59 per cent of children living in the north-east of the country. By contrast, the south-east of Brazil, where the phenomenon was largely urban, had, at 10.5 per cent, the lowest index. The number of street children - both those who had broken their family ties and those only temporarily in the street - varied from region to region. Research conducted in six State capitals between 1986 and 1993 by the Brazilian Institute of Social and Economic Analysis, offered figures ranging from 4,520 in São Paolo in daytime to 78 in São Luis at night, which suggested that street children in Brazil numbered in the tens of thousands.

31. In reply to question (h), he said that the Federal Government had established a decentralized programme known as Community Solidarity with a view to improving the quality of life in 1,100 municipalities selected on the basis of the poverty index. Its objectives included the reduction of infant mortality, the improvement of basic education, and the defence of the rights of children and adolescents. In 1995, the Ministry of Health had launched a

four-year programme which aimed to reduce infant mortality by improving the standard of living among the poorest sectors of Brazil, and provided assistance in the areas of nutrition, immunization, public sanitation and health care for mothers and children. Another programme had been devised to create community health agencies, which taught community members to teach disease prevention measures to others. Still another programme offered health care assistance for children up to the age of five, with priority for high-risk groups, concentrating on assistance to newborn babies, encouragement of breast-feeding, immunization, nutritional guidance during the first year, the promotion of growth and development, and the control of diarrhoeal diseases and acute respiratory infections. Furthermore, in 1995, the National Programme for School Nutrition had supplied 50 per cent of the daily caloric needs of 34 million children.

32. He had replied to the concerns raised in question (h) in his introductory remarks.

33. In reply to question (i), he said that the Parliamentary Inquiry Commission had resulted in the establishment of the National Penitentiary Fund and in the formulation of a new policy in the prison sector. Steps had been taken to reduce overcrowding in prison establishments and to avoid the holding of prisoners after the termination of their sentences. A programme had been launched to build new penitentiaries, and efforts were being taken to make the prison system more transparent. If the members of the Committee so wished, he could provide statistics concerning both the number and nature of detainees in Brazilian prisons and the occurrence of revolts and other acts of violence.

34. He had replied to the concerns expressed in question (j) in his introductory remarks.

35. Mr. BRUNI CELLI thanked the Brazilian delegation for the comprehensive nature of its replies. Brazil had in recent years played a leading role in the promotion of human rights and had undertaken a series of international human rights obligations, the Covenant among them. The election to the presidency of Mr. Cardoso, a well-known champion of human rights, had been a momentous event. He hoped that by the time of its second report, Brazil would have acceded to the Optional Protocol.

36. He would confine his remarks to the matter of article 6. Paragraph 7 of the core document (HRI/CORE/1/Add.53) cited the grave lack of garbage collection systems, rain water drainage systems, safe water sources and sewage systems. According to the Committee's general comment, article 6 imposed on the State party the obligation not only to refrain from taking actions that impinged on the right to life but also to take actions that guaranteed the right to life. In that regard, he noted with satisfaction the various programmes mentioned by the Brazilian delegation to improve the lot of persons living in extreme poverty. The Brazilian Government should, however, provide the Committee with a comprehensive description of the social programmes it was undertaking to guarantee the right to life throughout the various regions of the country, with the inclusion of statistical information included.

37. Another problem that arose in conjunction with article 6 was that of police impunity, especially with regard to the military police. Paragraph 91

of the initial report (CCPR/C/81/Add.6) stated that the military police were responsible for the prevention of crime and for policing the streets; paragraph 92, on the other hand, spoke of the great number of deaths that had resulted from actions taken by the military police. Paragraph 94 indicated that in 1990, 318 members of the military police had been dismissed and expelled for their involvement in those actions. Since those crimes were of considerable gravity, the question arose why the individuals in question had not been prosecuted and punished. All of the above information bore directly on paragraph 211, which stated that the military justice system in São Paolo had only four judges to handle the backlog of 14,000 cases filed against military policemen, so that the number of pending cases mounted from year to year. The military policemen accused of abuses were thus neither prosecuted nor punished, and eventually perhaps benefited from statutory limitations. Such a situation promoted impunity, which was the single biggest factor in the commission of abuses.

38. Paragraph 214 of the report described a bill that proposed to revoke the power of the military courts to prosecute the cases of military personnel charged with civil offences. It would be helpful to know what the fate of that bill had been.

39. Lastly, he was gratified to learn that the Brazilian Government had begun to grapple with the critical problem of the garimpeiros and to establish protection for the Yanomami people in the Andean region shared by Brazil and Venezuela.

40. Mrs. CHANET commended the initial report of Brazil and the encouraging prospects indicated in the statement by the head of the delegation; she especially appreciated the acknowledgement that current weaknesses in the implementation of the standards of the Covenant could not be overcome without political will.

41. According to article 50 of the Covenant, its provisions must "extend to all parts of federal States without any limitations or exceptions". Consequently the Committee would be unable to accept, as an excuse for failures in the exercise of federal responsibility, the "considerable legislative, judicial and administrative autonomy" of the States that was mentioned in paragraph 3 of the report. Moreover, the Committee had been informed that human rights had indeed been "federalized"; details concerning the manner in which that had been done, notably with regard to the harmonization of criminal procedure, would be useful. She would also welcome an assurance that federal accountability was established in fact as well as in theory in respect of violations or alleged violations of human rights by members of the police at all levels and that the decisions of the Federal Supreme Court were respected by local courts. She was thinking, inter alia, of the suppression of the concept of "legitimate defence of [one's] honour" mentioned in paragraph 57 of the report, and of cases where the occupation of Indian lands by armed bands had been ruled illegal by the Supreme Court.

42. According to the present law concerning temporary imprisonment, detention without charge was permissible. Since that was at variance with the provisions of article 9 of the Covenant, were steps being taken to remove the anomaly?

43. Paragraph 155 of the report began with the astonishing statement that many internees remained in jail even when they had served out their sentences: some explanation was called for. Also on the subject of overcrowding in prisons, she inquired whether the alternative of community service, already used as a punishment for minors, could not be extended to adult offenders as well.

44. Concerning forced labour, she noted that the National Human Rights Programme provided for action in two stages: more vigorous monitoring of the situation by mobile teams from the Ministry of Labour, to be followed in the medium term by the creation of specialized police units to suppress the practice. According to ILO, the first of those measures was quite ineffectual; she consequently suggested that the second be embarked upon without delay.

45. Finally, she asked whether there was any truth in the information provided to the Committee that the judicial branch had been infiltrated by representatives of the "death squads" and that the ranks of the latter were swelled by shopkeepers fearful of street children; if such was indeed the case, what action was being taken?

46. Mr. KLEIN noted with special satisfaction Brazil's ratification of the Convention without reservation and voiced the hope that all the new legislation that had been announced would soon be implemented.

47. Coming as he did from a federal republic, he knew that the issue of federal responsibility was central to the present dialogue; the Federal Government of Brazil had demonstrated considerable political will to move ahead in the sphere of human rights, but the attitudes of the State governments were less easy to determine, and there were obvious difficulties of implementation at the local level. Like the previous speaker, he was concerned to understand how the "federalization" of crimes against human rights was carried out in practice, especially given the constitutional constraints mentioned in paragraph 5 of the report. Furthermore, it might not always be easy to identify crimes involving violations of human rights - did not all crimes in some measure involve such violations? In the federalization exercise, how could the necessary distinction be made, who should be responsible for making it, and what procedures should be adopted for dealing with that category of crimes? More specific information on all those issues would be welcome.

48. His second major concern was with the subject of violence - a phenomenon that appeared to be deeply rooted in the social behaviour of the Brazilian people and would certainly take time to modify. Both education and punishment had been mentioned as means of effecting change; what disciplinary measures were currently available under the law? On a related matter, he said he understood that the compensation for acts of violence now being granted was retroactive and only related to past disappearances; did the law not protect today's victims of human rights violations?

49. He commended Brazil on the impressive number of international instruments to which it was a party and voiced the hope that the Optional Protocols to the International Covenant on Civil and Political Rights would soon be added to the list.

50. Ms. EVATT commended the initial report and the statement by the head of the Brazilian delegation, both of which had candidly addressed a number of problems, throwing light on the enormous economic and social disparities that were a feature of the country's situation.

51. There was a very real concern that in the past, the authority of the State had in many cases been used not to sustain the principles of human rights but rather to violate them with impunity; and that the constitutional divisions of power had served to shelter the Federal Government from responsibility. The "federalization" exercise might offer some reassurance in that regard, but further information was called for.

52. Welcoming the National Human Rights Programme and the creation of new activities and institutions, she voiced the hope that the necessary resources would be made available. The ready accessibility of remedies to secure the protection of the rights of individuals or groups was particularly important, given the prevailing and widespread sense of disempowerment and the lack of confidence in established authority; to ensure such accessibility would be costly, but necessary.

53. She inquired whether the steps outlined to the Committee would help to overcome the current reluctance of the federal authorities to intervene in State police matters; and whether States themselves had been practically involved in developing the new programmes and would participate in them. Pointing out that accountability at the local level was a problem, she asked how the implementation of the National Programme would be supervised.

54. She especially welcomed the proposed new federal government actions to protect the rights of the indigenous populations and asked what percentage of their traditional lands had actually been demarcated on their behalf. She further asked whether additional resources had been made available to the National Indian Foundation (FUNAI) to carry out that task, which was not only required by the Constitution but was supposed to have been completed three years earlier. The Committee's general comment on article 27 showed the importance it attached to the land issue; well-documented accounts of incursions into the territories of indigenous peoples, of acts of violence against them and of abuse of authority at the local level underscored its urgency, as well as the need for very positive and properly financed action by the federal agencies to bring about change in health, education and all the other related domains, in all the regions concerned.

55. She had listened with great interest to the remarks by the head of the Brazilian delegation on the subject of forced labour (including child labour and prostitution) and welcomed the commitment to change that had been displayed. Nevertheless, information from other sources suggested that those problems had worsened considerably in the recent past, which suggested that remedial programmes might not be as effective as claimed.

56. Mr. KRETZMER, praising the frank and open response of the Brazilian Government to the Committee's concerns and the commitment displayed in the new National Human Rights Programme, asked whether a timetable had been laid down for its implementation. He further requested details concerning the special human rights unit in the police whose establishment had been announced. He welcomed the intention to transfer to the civil courts jurisdiction in the matter of human rights offences by members of the military police; however, information from other sources indicated that the measure in question, though approved by the Chamber of Deputies, was currently blocked in the Senate; what was the present status of that legislation? In that connection, a detailed account of the relationship between the military police and civilian government would be welcome: members of that force were known to be particularly frequent offenders against human rights. The Committee had also asked for some clarification on the subject of private security organizations, which were believed in certain cases to have links with members of the security forces - albeit acting informally - in the death squads. What was the official attitude to such arrangements? He further asked whether it was true that a considerable number of recruits into the police had previous criminal records and whether the Federal Government was empowered to take action to rectify the recruitment policies of States.

57. In relation to article 10, the Brazilian report, prepared in late 1994, was commendably frank about the inadequate conditions in prisons and detention centres; it seemed, however, that the situation had become even worse during the past two years. He asked whether consideration was being given to alternative sentencing; was electronically-supervised house arrest or community service envisaged, for example? He further inquired what was done to overcome the reluctance of prisoners to complain of bad treatment for fear of reprisals.

58. According to paragraph 123 of the report, in the State of Ceará, the Governor had dismissed the Public Security Secretary and suspended several members of the civil police accused of torturing suspects. He invited the Brazilian delegation to comment on information provided by a non-governmental organization to the effect that of the 20 allegations of torture made, 9 had not been investigated, and that only 2 officials had been suspended. More generally, he asked about federal responsibility for the investigation of allegations of torture at the State level. Was direct intervention possible?

59. Finally, on the subject of forced labour, he inquired about any measures to prosecute and punish employers engaging in that practice. It was his understanding that very little corrective action was taken, and still less punishment imposed.

The meeting rose at 1 p.m.